

REMARKS

The Office Action mailed July 6, 2004 has been reviewed and carefully considered. Claims 1-12 are canceled without prejudice. Claims 18-27 are added. Claims 13-27 are pending. The independent claims are 13, 18 and 26. Claims 14-16 are amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 13-17 stand rejected under 35 U.S.C. 112, first paragraph, as failing to meet the written description requirement.

The Office Action, firstly, fails to find support for the gas feeder of claim 13.

Specifically, and notably, claim 13 recites, "a gas feeder for supplying, from one or more respective positions axially around the upper gas feeding section, a gas feed . . ."

Support for claim 13 is found in the specification (e.g., page 4, lines 8-16; page 5, lines 9-14; page 7, lines 7-9: "furnace 30 and a cooling unit 70"; page 8, lines 1-7, 15-19; page 8, line 21 – page 9, line 10: "gas feed"; page 10, lines 4-8: "gas feed", lines 20-21: "according to the first embodiment of the invention can be equivalently applied to the furnace and cooling unit"; page 11, lines 8-9, 19-20; page 12, lines 15-18). One of ordinary skill in the art would find support for the claimed gas feeder and all other features of claim 13.

The Office Action secondly suggests there is no support for the claim 13 language "one or more respective positions axially around the upper gas feeding section." The applicant traverses this suggestion by the Office Action.

Firstly, however, claim 13 recites, " . . . said upper gas feeding section includes a first hollow rotary body having at least one radial passageway . . . supplying from one or more positions axially around the upper gas feeding section . . ."

To one of ordinary skill in the art, the language of claim 13 would have been clear, even without reference to the specification and drawings. In addition, the language is supported by the drawings (e.g., FIGs. 7 and 8).

The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement. The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. MPEP 2173.02.

The Office Action then states that "even if there is support [in the

applicant's patent application] for all of the things mentioned above . . . ,” thereby acknowledging indecision and lack of resolve in bringing a rejection under 35 U.S.C. 112, first paragraph.

The Office Action subsequently mentions some of the features of the present invention as recited in claim 13, and cites lack of support. However, one of ordinary skill in the art would have found support in the present application for claim 13. It appears that the Office Action confuses the two concepts of: a) “claiming broadly”; and b) claiming without support in the disclosure.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 13-17 stand rejected under 35 U.S.C. 112, second paragraph, as indefinite based on the word “feeder” and the expression “axially around” in claim 13. One of ordinary skill in the art would have found the word and the expression understandable, and would have found the scope of claim 13 to be clear.

Reconsideration and withdrawal of the rejection are respectfully requested.

The specification stands objected to for failing to provide proper antecedent basis for the claimed subject matter. The Office Action cites the same words and expressions noted above. One of ordinary skill in the art, however, would have found proper antecedent basis for the claims in the specification.

Reconsideration and withdrawal of the objection are respectfully requested.

The “Conclusion” section of the Office Action states that the “claims are not rejected over prior art,” thereby implicitly acknowledging the persuasiveness of the applicant's arguments in the prior reply traversing the applied prior art.

New claim 18 finds support in the specification (e.g., page 4, lines 8-16; page 8, lines 1-7, 15-19; page 8, line 21 – page 9, line 10; page 10, lines 4-8). Claim 18 distinguishes over the prior art of record for the same reasons set forth, in the prior Office Action replies, with regard to claim 13.

New claims 19, 22 and 25 finds support in the specification (e.g., page 8, lines 10-13) and in FIGs. 2 and 3.

New claim 20 finds support in FIG. 5 and accompanying text in the specification.

New claim 21 finds support in FIG. 6 and accompanying text in the specification.

New claims 23 and 24 find support in the specification (e.g., page 10, lines 1-13).

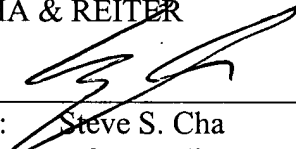
New claims 26 and 27 distinguish over the prior art of record for the same reasons set forth, in the prior Office Action replies, with regard to claim 13. Claims 26 and 27 find support in the specification (e.g., page 10, line 17 – page 12, line 22) and in FIG. 4.

In view of the foregoing amendments and remarks, it is believed that this application is now in condition for allowance. The Examiner is invited to contact the undersigned in the event of any perceived outstanding issues so that passage of the case to issue can be effected without the need for a further Office Action.

In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470.

Respectfully submitted,

CHA & REITER


By: Steve S. Cha
Attorney for Applicant

Date: March 9, 2005

Mail all correspondence to:
Steve S. Cha, Reg. No. 44,069
CHA & REITER
210 Route 4 East, #103
Paramus, NJ 07652
Phone: (201)226-9245
Fax: (201)226-9246

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313 on March 9, 2005.

Steve S. Cha, Reg. No. 44,069
(Name of Registered Rep.)


(Signature and Date)